

DCI/IC 76-3702

MEMORANDUM FOR: Director

FROM : Acting Deputy to the DCI for the Intelligence Community

SUBJECT : USIB Policy Paper on Information Release to Contractors

REFERENCE : USIB-AM-2/75, 14 August 1975

1. On 8 August 1975 the DCI with the concurrence of the Board approved DCID 1/7, "Control of Dissemination of Foreign Intelligence," which became effective on 5 October 1975. Reference requested the IHC to review subject paper to ensure conformance with the new DCID. This matter was referred to the Security Committee as being more of a security issue than a matter of IHC business.

2. The Security Committee revised this policy paper to conform with the new DCID 1/7 and forwarded it to the Board on 26 November 1975 with the recommendation that it be reissued as an unclassified document. When it was circulated to Board members, all concurred with the CIA and ERDA concurrence qualified. CIA suggested some non-substantive changes which have now been incorporated. ERDA requested an expansion of footnote 1 on page 1 to exclude ERDA's laboratories from the "contractor" category requiring authorization for dissemination of intelligence information as required in DCID 1/7.

3. The recommended changes were circulated to the members of the Security Committee with the request that their concurrence or other comments reflect the views of their USIB Principals. Unanimous concurrence has now been received for publication of the attached revised policy paper.

4. Also attached is a proposed response to General Giller's two letters dated 24 December 1975 in which he expressed concern about the flow of information to ERDA's weapons laboratories under

the dissemination controls of DCID 1/7. He asked that USIB agencies be informed that the provisions of DCID 1/7 requiring permission of the originating agency prior to dissemination of intelligence to contractors does not apply to those ERDA laboratories designated as authorized channels (e.g., Oak Ridge, Los Alamos, Lawrence Livermore and Sandia-Albuquerque).

5. This revised policy paper on information release to contractors exempts ERDA's laboratories and provides the requested relief.

6. It is recommended that you:

(a) Approve the attached policy paper as an unclassified document (not to be published until the successor organization to USIB has been formed, at which time it be amended to reflect the new USIB designation), and

(b) Sign the attached response to General Giller.

APPROVAL:

George Bush

Date

USIB POLICY ON RELEASE
OF FOREIGN INTELLIGENCE TO CONTRACTORS^{1/}

1. In order that the member agencies may more effectively discharge their responsibilities and without intent to limit such broader authority or responsibility as any may now have under law, NSC Directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence^{2/} may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

a. Release^{3/} shall be limited to private individuals (including consultants) or organizations certified by the

1/ "General policy is set forth in DCID No. 1/7, 'Control of Dissemination of Foreign Intelligence,' approved 7 August 1975 (effective 5 October 1975). In accordance with paragraph 5a(3) of DCID 1/7, the intelligence community agencies agree that Government-owned, contractor-operated laboratories performing classified services in support of the intelligence mission of the Energy Research and Development Administration, which are designated authorized channels by the ERDA USIB representative, are not considered contractors for the purposes of this policy statement."

2/ This Directive deals solely with foreign intelligence, which for purposes of this Directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, ERDA and the military commands. This specifically excludes Foreign Service reporting and Sensitive Compartmented Information*(SCI). Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release SCI must be obtained from its originator. SCI is covered specifically by paragraph 3 of this Directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

3/ Release is the visual, oral or physical disclosure of classified intelligence material.

* The term "Sensitive Compartmented Information" as used in this Directive is intended to include all information and materials bearing

sponsoring member of the United States Intelligence Board as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency^{4/}, his department or service, as having a need-to-know, and as possessing the required security clearances.

b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i.e., the Chief of the USIB intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee^{5/}.

c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

special community controls indicating restricted handling within present and future community intelligence collection programs and their end products for which community systems of compartmentation have been or will be formally established. The term does not include Restricted Data as defined in Section II, Public Law 585, Atomic Energy Act of 1954, as amended.

^{4/} Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the intelligence community rather than as contractors. When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further intelligence material made available to them.

^{5/} Releasing agencies are required to delete: a) the CIA seal, b) the phrase "Directorate of Operations," c) the place acquired, d) the field number and e) the source description from all CIA Directorate of Operations reports passed to contractors, unless prior approval to release such information is obtained from CIA.